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DDA 76-5752

17 November 1976

MEMORANDUM FOR: Deputy Director of Central Intelligence

FROM : John F. Blake
Deputy Director for Administration

SUBJECT : Legal Defense Fund

1. You have asked that I pursue the matter of establishing a "Legal Defense Fund" and present you with recommendations.

STATINTL 2. On Friday, 12 November 1976, I convened a group
STATINTL consisting of Messrs. [redacted], Lapham, Waller, Malanick, Falkiewicz, and [redacted]. We spent a very constructive and harmonious two hours defining the issue, analyzing the problem, and structuring recommendations. I outline for your below our collective thoughts which have collective agreement.

3. Our plan begins with two questions and then goes on to a series of either assertions or considerations. The two questions, which are now being studied by the Office of General Counsel, are:

STATINTL a. Is there any legal prohibition to any solicitation of Agency employees? Headquarters Regulation [redacted] was considered. It states "Government employees are forbidden by law to give presents to official superiors or accept them from employees receiving lower salaries than themselves." While Mr. Lapham will be addressing himself to this, it does not appear that that Headquarters Regulation will be an inhibiting factor.

b. Is it legal to use the time of government employees or government facilities and premises to conduct such a solicitation as we are considering?

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4. We now proceed to the basic ingredients of the proposed program:

a. Funds should be available to retirees as well as serving employees.

b. There are precedents elsewhere for raising legal aid funds.

c. There are precedents within the Agency for solicitation drives.

d. For purposes of accountability and public trust it might be better if we encouraged the receipt of checks as opposed to cash.

e. If a drive were to be conducted it must be made absolutely clear that there is not the slightest inference of coercion. Safeguards will be built into the system so that no lists will be maintained of Agency employees who contribute. The funds raised within the Agency will be transmitted by the responsible person conducting the internal drive to the external unit as described in subparagraph h. below. The individual responsible for conducting the internal drive will be instructed that that person is not to transmit information to any other individual in the Agency concerning the names of donors.

f. There should be both an internal solicitation and an external solicitation.

g. For purposes of internal solicitation of funds I would look to the Office of Personnel to furnish the impetus and manpower necessary. This would include the development and printing of appropriate announcements, contribution envelopes, and receptacles for deposit as well as a possible internal mailing address. For any expenses incurred in conducting the fund we might be wise to reimburse the Agency from the funds for any expenses incurred for materials and printing.

h. We would identify one or two distinguished alumni and ask them to accept the following responsibilities:

1) To organize an external solicitation drive.

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2) To be the initial recipient of all funds realized from the external drive.

3) To determine the amount of monies from the fund to be awarded to any eligible recipient. We believe a crucial point in our program is having the disbursement formula and determinations made by individuals other than serving Agency employees. We would leave to the discretion of the external chairperson(s) the selection of any additional colleagues to be associated with the drive and its disbursement administration. Those so chosen should obviously have no possible direct connection with the potential legal case at hand.

4) To agree to donate to either PSAS or EAF any funds surplus when the need for their use had expired.

i. Funds realized should only be used to assist those who are actually indicted and should not be used to help provide legal assistance during grand jury proceedings. ✓

j. While all planning and arrangements for the program should proceed with due haste, the announcement and implementation of the drive should not commence until or before an indictment is issued.

k. The U.S. Civil Service Commission is the point of guidance to federal agencies on the conduct of solicitations. We would be wise to informally inform them of our intent.

l. Additional considerations will have to be given as to the matter of obtaining funds from field personnel.

5. Mr. Lapham, in replying to the draft memorandum on this matter, has furnished some thoughtful language as it pertains to the use of the funds. I quote his point:

"With respect to paragraph 4.i., I have had some second thoughts. The extent of the needs of current and former Agency employees

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for legal representation at the grand jury stage of the proceedings remains unclear. So does the ability of this Office to procure pro bono representation that will fully meet those needs. It is entirely possible that the needs will be real and will outstrip our ability to obtain services on a pro bono basis. Since in my view it would be most unfortunate if those who may feel the need to consult counsel in connection with their grand jury appearances were to forgo the opportunity solely on the grounds that the legal fees were beyond their reach, I would like to leave open the possibility that, while the campaign might be activated only after the return of an indictment, the funds could be used to reimburse legal expenses incurred during the grand jury phase."

6. There is one other alternative for obtaining the services of an attorney after indictment. That is the procedure by which the court would appoint an attorney for the defense based on the contention that the defendant could not afford counsel. This is a rather complex matter and I would suggest we ask Tony to explain this to you when we meet to discuss this program.

7. If we embark on this venture, we should be aware that we are establishing a precedent. We also believe that to the degree possible the program should have the best possible understanding of and sympathy from senior Agency management. We would suggest to you that upon the submission of our final program version that you summon a special EAG meeting for its discussion.

John F. Blake

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DDA:JFBBlake:der (17 January 1976)